

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

OFFICE OF THE DIRECTOR

800 THIRD STREET, Suite 450

P.O. BOX 952051

SACRAMENTO, CA 94252-2051

(916) 445-4775 FAX (916) 323-2815



October 21, 1991

INFORMATION BULLETIN EH 91-01

TO: LOCAL ENFORCEMENT AGENCIES
EMPLOYEE HOUSING OPERATORS
INTERESTED PARTIES (EH)
DIVISION STAFF

SUBJECT: LEGISLATIVE CHANGES TO THE EMPLOYEE HOUSING ACT

This Information Bulletin announces changes in State law affecting the activities of employee housing (labor camps) enforcement agencies and operators.

On October 9, 1991, Governor Pete Wilson signed Assembly Bills 923, 1816 and 2164 into law. All three bills were authored by Assemblymember Polanco and make amendments, effective January 1, 1992, to the Employee Housing Act contained in the California Health and Safety Code, Division 13, Part 1, commencing with Section 17000.

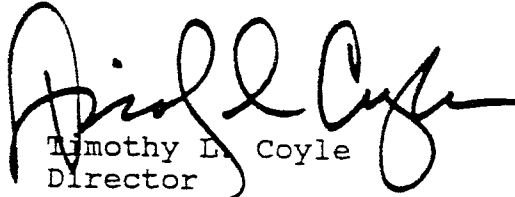
The following is a brief description of the amendments. Enclosed for reference are the affected sections of the Health and Safety Code with changes illustrated. Repealed language is struck out and new language is underlined.

1. Existing Health and Safety Code Section 17031.5, which prohibits retaliation by an employer against an employee who complains (as specified) about the housing condition, is amended by Assembly Bill 923 (Chapter 786, Statute of 1991). The amendments expand the scope of the prohibition to all types of employee housing facilities and include termination of employment by an employer or landlord in the prohibition.
2. Existing Section 17031.8, which requires all local enforcement agencies to submit an annual report to the Department by June 30 of each year on the agencies' activities in the previous calendar report, and for the Department to report to the Legislative Analyst, is amended by Assembly Bill 1816 (Chapter 790, Statutes of 1991) making editorial improvements for clarity.

3. Existing Section 17037, which establishes penalties for operating a labor camp without first having obtained a permit to operate, is amended by Assembly Bill 2164 (Chapter 795, Statutes of 1991). The amendments increase the penalty for any person found in violation of the Act for a second or subsequent time within a five-year period to ten times the fees prescribed for the permit to operate.
4. Assembly Bill 2164 (Chapter 795, Statutes of 1991) adds a new Section 17037.5 which will require an operator of a labor camp to file with the appropriate enforcement agency a Certificate of Non-Operation for two years following the discontinuation of a labor camp's operation. The Department will provide operators the Certificate of Non-Operation and instructions in a separate mailing. Local enforcement agencies may use the format established by the Department's attached sample.
5. Existing Section 17050, which establishes the mandate for the Department to promulgate preemptive regulations and evaluate local enforcement agency performance, is amended by Assembly Bill 1816 (Chapter 790, Statutes of 1991) to require the Department to report annually to the Legislative Analyst on its evaluations of local enforcement agencies.
6. Existing Section 17056, which establishes a requirement for the Department to conduct and report on a statewide search for illegal employee housing facilities by July 1, 1989, is amended by Assembly Bill 1816 (Chapter 790, Statutes of 1991) to require the Legislative Analyst to provide the Legislature an annual report including the information gained through Section 17031.8 (discussed above).
7. Existing Section 17061, which establishes fines and penalties for violating the Employee Housing Act, is amended by Assembly Bill 1816 (Chapter 790, Statutes of 1991) to establish as much as four years of imprisonment, or a fine not exceeding \$10,000, or both the fine and imprisonment for each violation of the Employee Housing Act causing personal injury to any person.

8. Existing Section 17061.5 which establishes a \$2,000 fine for subsequent violations and convictions pursuant to Section 17060 and 17061 occurring within five years, is amended by Assembly Bill 1816 (Chapter 790, Statutes of 1991). The \$2,000 fine is increased to \$6,000.
9. Assembly Bill 923 (Chapter 786, Statutes of 1991) adds Health and Safety Code Section 17061.7 establishing a new penalty for second or subsequent convictions, or a finding of contempt of court, or a violation of an injunction, relating to the Employee Housing Act. Such persons may be ordered by the court to be placed in house confinement in the labor camp found in violation, and may be required to pay for a police officer or guard to enforce the confinement.
10. Assembly Bill 2164 (Chapter 795, Statutes of 1991) adds Health and Safety Code Section 17061.9 authorizing the Department or local enforcement agency to issue a citation with a civil penalty of up to \$300 for each violation of the Employee Housing Act or the Department's regulations, which has been allowed to continue for at least 30 days after the issuance of an order by the enforcement agency to correct the violation. For subsequent violations the penalty may be increased to \$500 under specified conditions. Appeal procedures are also established.

Any person or enforcement agency desiring additional information regarding the law changes discussed herein, may contact the Department's Employee Housing Program Manager at (916) 445-9471.


Timothy L. Coyle
Director

HEALTH AND SAFETY CODE AMENDMENTS RELATING TO THE
HEALTH AND SAFETY CODE

Section 17031.5 of the Health and Safety Code is amended to read:

17031.5 (a) No person operating a labor camp ~~consisting only of permanent housing or permanent housing units within a labor camp~~ shall terminate or modify a tenancy by increasing rent, decreasing services, threatening to bring or bringing an action to evict, refusing to renew a tenancy, or in any other way intimidating, threatening, restraining, coercing, blacklisting, or discharging an employee or tenant because of the tenant's exercise of any of the following acts:

(1) Complaining in good faith, orally or in writing, to the landlord or employer about tenantability or about any right provided by this part.

(2) Exercising any legal right with respect to the housing provided by this part.

(3) Complaining in good faith, orally or in writing, to any applicable enforcement agency about tenantability or about any right provided by this part.

(4) Bringing an action to enforce any rights provided for by this part or Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

(5) Bringing an action under Section 1942.5 of the Civil Code.

(b) The tenant shall have a defense of retaliation in any action for possession if the employer or landlord acted in violation of this section. If the employer or landlord acts to discharge an employee or tenant or to modify or terminate a tenancy within six months after the employee or tenant has exercised any of the acts enumerated in subdivision (a), there is a rebuttable presumption affecting the burden of proof that the employer's or landlord's action was retaliatory.

(c) No tenant shall have a defense of retaliation in an action for possession where tenantability is an issue of fact and the untenable condition was caused by the deliberate or negligent act or omission of the tenant or a member of his or her family, or other persons on the premises with his or her consent.

(Added by Ch. 385, Stats. of 1979, eff. 1/1/80)

(Amended by Ch. 900, Stats. of 1985, eff. 1/1/86)

Section 17031.8. of the Health and Safety Code is amended to read:

17031.8 (a) An agency which ~~assumes~~ exercises the responsibility for the enforcement of this part pursuant to Section 17050, shall submit to the Department of Housing and Community Development the information specified in subdivision (c) by June 30 of each year regarding the previous calendar year.

(b) The Department of Housing and Community Development shall gather the information specified in subdivision (c) for all permittees for which it acts as the enforcement agency and include a summary of the information from the permittees and enforcement agencies in the annual report submitted pursuant to Section 50408 regarding housing programs administered by the department, and shall submit the information specified in subdivision (c) to the Legislative Analyst pursuant to subdivision (d) of Section 17056.

(c) The following information shall be provided for purposes of subdivisions (a) and (b):

(1) The number and location of labor camps.

(2) The number and location of labor camps found operating without a permit.

(3) The number and location of inactive labor camps and the number of occupants residing in the labor camp when it was most recently occupied.

(4) The number ~~or~~ of preoccupancy inspections, occupancy inspections, and reinspections performed.

(5) A schedule of permit fees charged and the total amount of fees collected, and the total amount in reinspection fees collected.

(6) The number and character of any complaints received during the time the housing has been operated as a labor camp.

(7) The number and character of violations of ~~the provisions of~~ this part, building standards published in the State Building Standards Code relating to labor camps, and other regulations adopted pursuant to ~~provisions of~~ this part, or conditions of the permits.

(8) The number of staff hours dedicated to the implementation of the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13).

(9) The number and location of labor camps receiving an exemption pursuant to Section 17031, 17031.3, or 17033.

(Added by Ch. 292, Stats. of 1988, eff. 1/1/89)

Section 17037 of the Health and Safety Code is amended to read:

17037. (a) Every person, or the agent or officer thereof, constructing, operating, or maintaining a labor camp shall comply with the requirements of this part, with building standards published in the State Building Standards Code relating to labor camps, and with the other regulations adopted pursuant to this part.

(b) (1) Any person operating or maintaining a labor camp without first having obtained a permit to operate from the enforcement agency shall pay double the fees prescribed for the permit to operate the camp.

(2) Any person found for a second or subsequent time within a five-year period to be operating or maintaining a labor camp without first having obtained a permit to operate from the

enforcement agency shall pay ~~four~~ 10 times the fees prescribed for the permit to operate such the camp. The two or more violations referenced in this paragraph may be with regard either to the same enforcement agency or to two or more different enforcement agencies.

(Added by Ch. 62, Stats. of 1979, eff. 5/14/79)

(Amended by Ch. 1152, Stats. of 1979, eff. 1/1/89)

(Amended by Ch. 1210, Stats. of 1983, eff. 1/1/84)

(Amended by Ch. 1495, Stats. of 1986, eff. 1/1/87)

Section 17037.5 of the Health and Safety Code is added to read:

17037.5. (a) Any person who ceases to operate or maintain a labor camp which is subject to the permit requirement pursuant to this part shall be required to annually complete and submit a Certificate of Non-Operation to the enforcement agency. The Certificate of Non-Operation shall be submitted for two years following the discontinuation of the use of any area on the property as a labor camp. The Certificate of Non-Operation shall attest under penalty of perjury that the labor camp has been destroyed, or is no longer owned or operated, or has not been and shall not be occupied by five or more employees during the calendar year.

(b) The Certificate of Non-Operation shall include the owner's name and address, the operator's name and address, the labor camp name and location, the maximum number of employees who have occupied or shall occupy the labor camp during the calendar year, and any other information considered relevant by the enforcement agency. The Certificate of Non-Operation shall be completed and submitted to the enforcement agency no later than 30 calendar days after the enforcement agency provides the form to the operator.

Section 17050 of the Health and Safety Code is amended to read:

17050 (a) Except as provided in Section 18930, the Department of Housing and Community Development may promulgate rules and regulations to interpret and make specific this part, and ~~when~~ When adopted, those rules and regulations shall apply to all parts of the state.

(b) Upon written notice to the Department of Housing and Community Development, any city, county, or city and county may assume the responsibility for the enforcement of this part, for the building standards published in the State Building Standards Code relating to labor camps, and for the other regulations adopted pursuant to this part following approval by the department for that assumption.

(c) The Department of Housing and Community Development shall adopt regulations which shall set forth the conditions for assumption and may include required qualifications of local enforcement agencies. When assumption is approved, the department

shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of labor camps within its jurisdiction.

(d) A city, county, or city and county may, by ordinance, establish a schedule of fees for the operation of labor camps not to exceed that which is established by the department.

(e) (1) In the event of nonenforcement of this part, of the building standards published in the State Building Standards Code relating to labor camps, or of the other rules and regulations adopted pursuant to this part, the department shall enforce this part, the building standards published in the State Building Standards Code relating to labor camps, and the rules and regulations adopted pursuant to this part in any ~~such~~ city, county, or city and county after the department has given written notice to the governing body of ~~such~~ city, county, or city and county, setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and has failed to initiate corrective measures to carry out its responsibility within 30 days of the date of the notice. ~~However, on~~

(2) On or after January 1, 1987, in the event the local enforcement agency has failed to initiate adequate and reasonable corrective measures to carry out its responsibility, as determined by the department, within 30 days of the date of notice of one or more specific examples of nonenforcement, the department, at its option, may undertake investigation and enforcement of the alleged violations of this part within the local enforcement agency's jurisdiction, and the local enforcement agency shall be liable to the department and the Attorney General for the actual costs of the investigation and enforcement by these state agencies.

(f) The department shall conduct an annual evaluation of the enforcement of this part, of the building standards published in the State Building Standards Code relating to labor camps, and of the other regulations adopted pursuant to this part by each city, county, or city and county which has assumed responsibility for enforcement. The department shall submit a written summary of the evaluation conducted pursuant to this subdivision to the Legislative Analyst on or before October 1 of each year.

(g) Except as provided in Section 18945, the department shall be sole judge as to whether the local enforcement agency is properly enforcing the provisions. Except as provided in Section 18945, the local enforcement agency shall have the right to appeal the decision to the department.

(h) Any city, county, or city and county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of these provisions. The department, upon receipt of that notice, shall assume the responsibility within 30 days.

(i) The enforcement agency may:

(1) Enter public or private properties to determine whether there exists any labor camp to which this part applies.

(2) Enter and inspect all labor camps wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(3) Enter and inspect the land adjacent to the labor camp to determine whether the sanitary and other requirements of this part, the building standards published in the State Building Standards Code relating to labor camps, and the other rules and regulations adopted pursuant to this part have been or are being complied with.

(Added by Ch. 62, Stats. of 1979, eff. 5/14/79)

(Amended by Ch. 1152, Stats. of 1979, eff. 1/1/80)

(Amended by Ch. 1495, Stats. of 1986, eff. 1/1/87)

Section 17056 of the Health and Safety Code is amended to read:

17056 (a) In every part of the state, notwithstanding assumption of responsibilities by local enforcement agencies pursuant to Section 17050, the department shall establish procedures and devote resources to locating and prosecuting the most serious violators of this part and those who refuse to apply for or obtain permits to operate pursuant to this part, as determined by the department.

(b) The department shall maximize the efforts of personnel implementing this part by seeking to use new resources and nontraditional means, by coordinating with state, local, and federal agencies and by training and coordinating with local health and building departments. The department shall schedule its activities pursuant to this subdivision in a manner so as to survey the entire state on or before July 1, 1989.

(c) All of the requirements of this part shall be performed by civil service employees of the department who, to the extent feasible, shall be bilingual in Spanish and English.

(d) The Legislative Analyst shall provide ~~a report~~ an annual report to the Legislature, as part of the report on the Governor's ~~1987-88~~ 1992-93 Budget, and ~~annually in annual budget reports thereafter, as needed, as determined by the Legislative Analyst, which describes.~~ This report shall describe in detail the implementation of this part. This report shall be based on the information collected by the department pursuant to Section 17031.8. ~~The report~~ This report shall also include the approximate level of personnel years allocated for the purposes of this section, the number of new permits to operate issued or number of prosecutions undertaken, all fines and civil ~~penalties~~ penalties collected, and other relevant information. ~~The~~ Each year, the department shall provide ~~any information necessary~~ the information collected pursuant to Section 17031.8 for the Legislative Analyst to prepare this report. Each report also shall include proposed amendments to this part which would facilitate the provision and maintenance of housing consistent with the requirements of this part, and which would facilitate enforcement of this part.

(Added by Ch. 1495, Stats. of 1986, eff. 1/1/87)

Section 17061 of the Health and Safety Code is amended to read:

17061. (a) Any person who violates, or causes another person to violate, any provision of this part is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000), or imprisonment for not more than 60 days, or both, for each violation of this part, provided that the violation does not cause personal injury to any person.

(b) Any person who violates, or causes another person to violate, any provision of this part, provided that the violation causes personal injury to any person, is punishable by imprisonment in the state prison for two, three, or four years, or in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both fine and imprisonment for each violation causing personal injury. This subdivision shall not be construed to preclude, or in any way limit, the applicability of any other law in any criminal prosecution.

(c) Any person who willfully violates any provision of this part shall be liable for a civil penalty of not less than three hundred dollars (\$300), nor more than one thousand dollars (\$1,000), for each such violation or for each day of a continuing violation. The enforcement agency shall, or any person or entity affected by the violation, may institute or maintain an action in the appropriate court to collect any civil penalty arising under this section subdivision.

(Added by Ch. 62, Stats. of 1979, eff. 5/14/79)

Section 17061.5 of the Health and Safety Code is amended to read:

17061.5 (a) Any person who is convicted pursuant to Section 17061 for a second or subsequent time within a five-year period or is convicted pursuant to subdivision (d) for a first or subsequent time within a five-year period after issuance of an injunction enforcing this chapter shall be punishable by a fine not to exceed ~~two~~ six thousand dollars ~~(\$2,000)~~ (\$6,000) or by imprisonment not exceeding six months, or both such fine and imprisonment.

(b) Any person found in contempt of a court order or injunction pursuant to Section 17060 within a five-year period from its issuance shall be subject to civil penalties not to exceed ~~two~~ six thousand dollars ~~(\$2,000)~~ (\$6,000) or by imprisonment not exceeding six months, or both such civil penalty and imprisonment.

(c) (1) If an injunction enforcing this chapter is issued within a five-year period after a conviction pursuant to subdivision (a), a finding of contempt pursuant to subdivision (b), or a prior injunction enforcing this chapter, the injunction shall provide for a civil penalty not to exceed ~~two~~ six thousand dollars ~~(\$2,000)~~ (\$6,000) and all costs of enforcement, including, but not limited to, investigative costs, inspection costs, enforcement costs, and attorneys' attorney's fees or costs, and all other costs of prosecution.

(2) The court may also order the owner not to claim any deduction with respect to state taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred, with respect to the cited structure, in the taxable year of the initial order or notice. Within 90 days after issuing the order, the court shall mail to the Franchise Tax Board a written notice of its order prohibiting the owner from claiming deductions with respect to the cited structure, in lieu of the processing of the violation by the enforcement agency in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code.

(3) The Franchise Tax Board shall examine the tax return of the owner of the cited structure for the taxable year of the initial order or notice issued pursuant to paragraph (2). Notwithstanding Sections 19282 and 26451 of the Revenue and Taxation Code, the Franchise Tax Board shall notify the issuing court regarding the owner's compliance with the court order prohibiting the claiming of deductions with respect to the cited structure.

(d) Any person found in contempt of a court order or injunction pursuant to Section 17060, or who is convicted pursuant to Section 17061, for a second or subsequent time within a five-year period after a prior finding of contempt, a prior conviction, or the prior issuance of an injunction relating to the enforcement of this chapter, where there are violations that are determined by the trier of fact to be so extensive and of such a nature that the immediate health and safety of residents or the public is endangered and where the extent and nature of the violations are due to the defendant's habitual neglect of customary maintenance and display a flagrant lack of concern for the health and safety of residents or the public, shall be punishable by a fine not exceeding ~~two~~ six thousand dollars ~~(\$2,000)~~ (\$6,000) and by imprisonment for not less than six months, but not exceeding one year, if the trier of fact finds at least three serious violations of the following categories of violations are involved:

(1) Termination, extended interruption, or serious defects of gas, water, or electric utility systems, if the interruption or termination is not caused by the tenant's failure to pay gas, water, or electric bills.

(2) Serious defects or lack of adequate space and water heating.

(3) Serious rodent, vermin, or insect infestation.

(4) Severe deterioration, rendering significant portions of the structure unsafe or unsanitary.

(5) Inadequate numbers of garbage receptacles or service.

(6) Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal.

(e) The remedies provided in subdivisions (a) to (d), inclusive, for second or subsequent violations shall apply without regard to whether the violations involved the same or different properties, or the same or different locations within a property, owner or operated by the person committing the violation.

(Added by Ch. 1210, Stats. of 1983, eff. 1/1/84)

(Amended by Ch. 1495, Stats. of 1986, eff. 1/1/87)

Section 17061.7 of the Health and Safety Code is added to read:

17061.7. Any person found in contempt of a court order or injunction pursuant to Section 17060, or who is convicted pursuant to Section 17061, for a second or subsequent time within a five-year period after a prior finding of contempt, after a prior conviction, or after the prior issuance of an injunction relating to the enforcement of this chapter, may be ordered by the court, on its own motion or pursuant to a trial by jury on that issue if that is requested by the defendant, to be placed in house confinement in the labor camp or any accommodation within the labor camp that is the subject of the court action. The defendant may also be ordered to pay the cost of having a police officer or guard stand guard outside the area in which the defendant has been confined under house confinement if it has been determined that the defendant is able to pay these costs.

Section 17061.9 of the Health and Safety is added to read:

17061.9. (a) In addition to other remedies provided in this part, the Director of the Department of Housing and Community Development or his or her designee or an employee authorized by a local enforcement agency which has assumed jurisdiction pursuant to Section 17050, may issue a citation which assesses a civil penalty to any operator of a labor camp violating this part, or regulations promulgated hereunder, if the operator has permitted the continuation of a violation for at least 30 days after issuance of an order to correct the violation or violations from the enforcement agency. Each citation and related civil penalty assessment shall be issued no later than seven months after issuance of the order to correct which is the basis of the citation. The civil penalties provided for in this section are not in addition to the penalties established in subdivision (b) of Section 17037.

(b) The amount of any civil penalty assessed pursuant to subdivision (a) shall not exceed three hundred dollars (\$300) for each violation. The civil penalties assessed pursuant to this section shall be payable to the enforcement agency, notwithstanding any other provision of law. Whether or not the violation or violations, if applicable, giving cause for the citation are corrected, payment of the civil penalty shall be remitted to the enforcement agency within 45 days of the issuance of the citation.

(c) The amount of the civil penalty shall be increased to an amount not to exceed five hundred dollars (\$500) for a violation if all the following circumstances exist:

(1) The citation is for a second or subsequent violation of this part, or the regulations promulgated hereunder, for which an order to correct was issued within one year prior to issuance of the new citation; and

(2) The original violation has continued to exist for at least six months from the date the order to correct the violation was issued or has recurred within six months from the date the order to correct the violation was issued.

(d) Any person or entity served a citation pursuant to this section may petition the director or his or her designee or the officially authorized representative of the local enforcement agency, where applicable. The petition shall be a written request briefly stating the grounds of the request. Any petition to be considered, shall be received by the department within 30 days of the date of issuance of the citation.

(e) Upon receipt of a timely and complying petition, the enforcement agency shall suspend enforcement of the citation and set a time and place for the informal hearing and shall give the recipient of the citation written notice thereof. The hearing shall commence no later than 30 days following receipt of the petition or at another time scheduled by the enforcement agency pursuant to a request by the petitioner or the enforcement agency if the enforcement agency determines that good and sufficient cause exists. If the petitioner fails to appear at the time and place scheduled for the hearing, the enforcement agency may notify the petitioner in writing that the petition is dismissed and that compliance with the terms of the citation shall occur within 10 days after receipt of the notification.

(f) The enforcement agency shall notify the petitioner in writing of its decision and the reasons therefor within 30 days following conclusion of the informal hearing held pursuant to this section. If the decision upholds the citation, in whole or in part, the petitioner shall comply with the citation in accordance with the decision within 30 days after the decision is mailed by the enforcement agency.

State of California
Business, Transportation and Housing Agency
Department of Housing and Community Development
DIVISION OF CODES AND STANDARDS

CERTIFICATION OF NON-OPERATION

Notice: Health and Safety Code Section 17037.5 requires any person ceasing to operate or maintain a labor camp to annually file a Certification of Non-Compliance with the enforcement agency for two years following the discontinuation. Section 17037.5 is reprinted on the reverse side. For additional information call the Department at (916) 445-9471.

Certificate for Calendar Year _____

Labor Camp Name _____

Address _____

Operator Name _____

Address _____

Telephone Number _____

Property Owner Name _____

Address _____

Reason for Discontinued Operation (Check as appropriate)

- ☐ Property Sold
☐ Housing Destroyed
☐ Camp no longer operated
☐ Camp will not be occupied by 5 or more employees during calendar year.
☐ Other, or explanations _____

Maximum number of employees who have or will occupy the facility identified above during the calendar year _____

Certification: I _____, as _____
(print name) (title)

certify under penalty of perjury that the information provided herein is true and correct to the best of my knowledge.

Signature _____ Date _____

Health and Safety Code 17037.5.

(a) Any person who ceases to operate or maintain a labor camp which is subject to the permit requirement pursuant to this part shall be required to annually complete and submit a Certificate of Non-Operation to the enforcement agency. The Certificate of Non-Operation shall be submitted for two years following the discontinuation of the use of any area on the property as a labor camp. The Certificate of Non-Operation shall attest under penalty of perjury that the labor camp has been destroyed, or is no longer owned or operated, or has not been and shall not be occupied by five or more employees during the calendar year.

(b) The Certificate of Non-Operation shall include the owner's name and address, the operator's name and address, the labor camp name and location, the maximum number of employees who have occupied or shall occupy the labor camp during the calendar year, and any other information considered relevant by the enforcement agency. The Certificate of Non-Operation shall be completed and submitted to the enforcement agency no later than 30 calendar days after the enforcement agency provides the form to the operator.